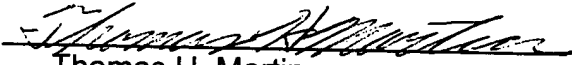


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: May 31, 2002

By: 
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CLAIM CHANGES

Please amend the claims as follows:

172. (Amended) An apparatus for use in performing human interbody spinal surgery ~~for fusing vertebral bodies adjacent a disc space~~ comprising:

a guard having a passage for providing guided access to ~~at~~the disc space and ~~the adjacent vertebral bodies~~ adjacent the disc space, said guard having a proximal end and an opposite distal end, said guard having spine engaging portions at said distal end of said guard for holding said guard to the spine, said spine engaging portions being substantially in line with side surfaces of said guard so that said spine engaging portions do not substantially increase the outer cross-sectional dimension of said guard near the distal end of said guard, said guard having a flat portion between at least some of said spine engaging portions for preventing over-penetration of said spine engaging portions into the spine.

207. (Amended) An apparatus for use in performing human interbody spinal surgery ~~for fusing vertebral bodies adjacent a disc space~~ comprising:

a guard having a passage for providing guided access to ~~at~~the disc space and ~~the adjacent vertebral bodies~~ adjacent the disc space, said guard having a proximal end and an opposite distal end and sides therebetween, said guard having openings in said sides, said guard having spine engaging portions at said distal end of said guard for holding said guard to the spine, said spine engaging portions being substantially in line with said sides of said guard so that said spine engaging portions do not substantially increase the outer cross-sectional dimension of said guard near the distal end of said guard.